

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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Margurite Mary Cofell,

Case No. 22-cv-2895 (JRT/DJF)

Plaintiff,

v.

**REPORT AND RECOMMENDATION**

United States of America,

Defendant.

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On January 30, 2023, the Court recommended dismissing Ms. Cofell's Petition for failure to state a viable claim for relief (ECF No. 4). Because the Court recommends dismissing Ms. Cofell's habeas petition, it further recommends denying her Application to Proceed In Forma Pauperis (ECF No. 2) as moot. *E.g., Mays v. Sherburne Cnty. Jail*, 21-cv-2078-WMW-LIB, 2022 WL 1230040, at \*1 (D. Minn. Jan. 14, 2022) (noting that a recommendation of dismissal of the underlying action renders moot pending in forma pauperis applications).

**RECOMMENDATION**

Based on the foregoing, and on all of the files, records, and proceedings herein, **IT IS HEREBY RECOMMENDED THAT** Plaintiff's Application to Proceed In Forma Pauperis (ECF No. [2]) is **DENIED AS MOOT**.

Dated: January 31, 2023

s/ Dulce J. Foster

Dulce J. Foster

United States Magistrate Judge

**NOTICE**

**Filing Objections:** This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), “a party may file and serve specific written objections to a magistrate judge’s proposed finding and recommendations within 14 days after being served a copy” of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. *See* Local Rule 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in Local Rule 72.2(c).